IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

RP.No. 193 of 2007(T)

AGAINST THE JUDGEMENT/ORDER IN WPC.1633/2007
.....

REVIEW PETITIONER/RESPONDENT:

PREETHI ELIZABETH IYPE,
T.C.11/1796, H 17, CHARACHIRA, KOWDIAR P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENTS:
----

1. MARY MATHA COLLEGE OF ENGINEERING & TECHNOLOGY, THIRUVANANTHAPURAM-695 121, HAVING ITS ADMINISTRATIVE AT TUTORS LANE, STATUE, THIRUVANANTHAPURAM REPRESENTED BY ITS CHAIRMAN L. WILSON.

2. L. WILSON, S/O. LAZER NADAR, AVIKKUZHI VEEDU, OLATHANNI, NEYYATTINKARA.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.ANIL.D.NAIR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

R.P. 193 OF 2007

IN WPC 1633 OF 2007

= = = = = = = = = = = = = = =

Dated this the 7th day of March, 2007.

O R D E R

As per my judgment dated 2/2/07 I have directed the Court below to accept the security furnished by a third party on certain conditions. The learned counsel for the review petitioner submits that the property so offered as security may not be sufficient to satisfy the decree debt and therefore the furnishing of the said security may not be a proper ground to release the movables already attached in the case. Furnishing of security is not to the satisfaction of the party but it is to the satisfaction of the Court. Any Court accepting a security has to satisfy its conscience regarding the correctness of the security and its availability and in case of default to proceed against that property. Therefore, I direct the learned Subordinate Judge to apply his mind to decide whether the security furnished is sufficient and in case the Court feels that an independent report

is necessary it is permitted to depute an Amin of the Court for the purpose of inspecting the property and submit a fresh report and hear the parties before finalising the matter. The learned Subordinate Judge is also directed to take a final decision in the matter within a period of three weeks from the date of receipt of a copy of this judgment. The order passed on 2/2/07 is clarified accordingly and the R.P. is disposed of as above.

M.N. KRISHNAN, JUDGE.

ul/-